



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

Number: 78-8

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Wine Labels: Labeling Requirements With Respect to Both Metric
Standards of Fill and Statements of Sugar Content For Late
Harvest-Type Wines

Proprietors of Bonded Wine Cellars, Taxpaid Wine Bottling
Houses, Importers and Others Concerned:

Purpose. The purpose of this circular is three-fold:

1. To remind industry members that, in accordance with 27 CFR 4.73, the effective date for conformity with metric standards of fill for wine is January 1, 1979;
2. To advise industry members that labels which have been approved for use on containers for wine may not require new certificates of label approval or certificates of exemption from label approval when revised only to bring into conformity with metric standards of fill as required by 27 CFR 4.73; and,
3. To advise industry members that labels which have been approved for use on containers for late harvest-type wine may not require new certificates of label approval or certificates of exemption from label approval when revised only to change sugar content.

Metric Standards of Fill. To avoid any misunderstanding, this circular is intended to make it clear that the provisions of 27 CFR 4.73, relating to metric standards of fill for wine, will be applied, without exception, after December 31, 1978.

In accordance with 27 CFR 4.46, wine imported in original containers not conforming to metric standards of fill shall not be released from customs custody after December 31, 1978, unless the wine is being withdrawn from a customs bonded warehouse into which it was entered on or before December 31, 1978; or unless such wine is accompanied by a statement certifying that the wine was bottled or packed prior to January 1, 1979. This statement may be signed by any official authorized by the appropriate foreign government to issue such certification.

After December 31, 1978, containers for wine may bear statements of net contents in addition to the required metric net content statement provided such optional statements represent an equivalent

volume and are not in any way misleading to the consumer. Additional statements of net contents may appear separate and apart from, rather than in direct conjunction with, the required metric net content statement but may not be more conspicuous than the required statement. For example, if a wine container shows the net contents in accordance with 27 CFR 4.73 as "750 ml," an additional statement such as "75 cl," ".75 L," "25.4 fl. oz.," etc., may appear anywhere on the container provided its appearance is not more conspicuous than the required "750 ml," nor is in any other manner misleading to the consumer.

Labels Changed to Conform with Metric Standards of Fill. New certificates of label approval or certificates of exemption from label approval are not required for previously approved labels being changed only to comply with metric standards of fill for wine as required by 27 CFR 4.73.

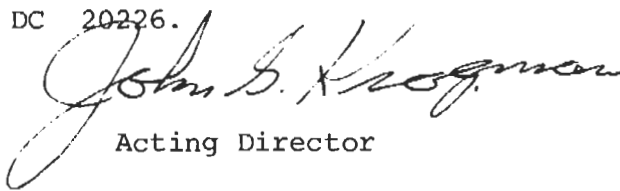
Such changes are limited to the substitution of the required metric net content statement in lieu of nonmetric net content statements, the addition of optional net content statements as described above, and the deletion of nonmetric net content statements including, after December 31, 1978, those required under 27 CFR 4.37. Such changes will not require resubmission for label approval provided they are not misleading to the consumer or result in the rearrangement, obliteration, obscuration, or any other revision of mandatory information required under the Federal Alcohol Administration Act.

Statements of Sugar Content on Labels for Late Harvest-Type Wines. New certificates of label approval or certificates of exemption from label approval are not required for previously approved late harvest-type wine labels when only sugar content is being changed.

Such changes must comply with the provisions of ATF Ruling 78-4 and are limited to the sugar content of the grapes at time of harvest and/or the residual sugar content of the finished wine and/or the units being used to describe these sugar contents.

Such changes will not require resubmission for label approval provided they do not mislead the consumer or result in the rearrangement, obliteration, obscuration or any other revision of mandatory information required under the Federal Alcohol Administration Act.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.


Acting Director